

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT MCNUTT, et al.,

Plaintiffs,

v.

CITY OF SANTA ROSA, et al.,

Defendants.

Case No. [21-cv-06890-TLT](#)

ORDER DISMISSING CASE

Re: Dkt. Nos. 34, 35, 36

Defendants City of Santa Rosa, Rainer Navarro, and the Estate of Marylou Armer moved to dismiss plaintiffs' complaint on December 13, 2021. ECF No. 10. Plaintiffs Robert McNutt and Aldona Dement subsequently moved for an extension of time to respond to defendants' motion which was granted. ECF No. 15. On January 18, 2022, plaintiffs filed a first amended complaint alleging claims for wrongful arrest, intentional infliction of emotional distress, negligence, and negligent infliction of emotional distress. ECF No. 16.

Thereafter, defendants filed a motion to dismiss plaintiffs' first amended complaint. ECF No. 18. This Court granted defendants' motion to dismiss with leave to amend. ECF No. 31. In ruling, the court ordered that "[a]ny amended complaint must be filed within 21 days of the date of this order [and that] [f]ailure to file a timely amended complaint will result in dismissal of this case." *Id.* at p. 13-14.

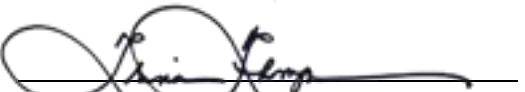
Based on this Court's ruling, plaintiffs' second amended complaint was due to be filed on or before August 19, 2022. *Id.* Plaintiffs sought an extension of time to file a second amended complaint until September 19, 2022, which was granted. ECF No. 34. However, plaintiffs never filed the second amended complaint.

Under Federal Rule of Civil Procedure 41(b) a plaintiff's noncompliance with a court order

1 dismissing an action with leave to amend is grounds for dismissal. The Court hereby ORDERS
2 that plaintiffs' complaint be dismissed without prejudice. The Clerk shall close the case.

3 **IT IS SO ORDERED.**

4 Dated: November 1, 2022

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7 TRINA L. THOMPSON
8 United States District Judge
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United States District Court
Northern District of California